IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 829 OF 2006

Shri Sharad Govind Teredesai ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. Uday Lalit, Sr. Counsel i/b H.S. Venegavkar for the applicant.

Ms. S.V. Gajre, APP for the State.

Mr. Satish Maneshinde for the original complainant.

CORAM: V.M. KANADE, J.
DATE: 27th April 2006

P.C.

1. Heard the learned Counsel for the applicant, the learned counsel for the original Complainant and the APP for the State.

2. On the last date, i.e. on 12/4/2006, this Court had directed that the applicant may be permitted to be admitted in the private hospital. Accordingly, he was admitted in the private hospital. The learned Counsel appearing on behalf of the applicant has submitted a report of the doctor from the said private Hospital in which the doctor has advised that the applicant should be kept in the hospital and angiography and other

tests should be performed. From the Thalium Scan which was done the doctor had given an opinion that functioning of the heart is impaired on account of further blockages which were found in the other arteries.

3. The learned Counsel for the applicant submits that, at this stage, he is restricting his application and seeking bail on the medical ground for a period of 8 weeks in order to enable the applicant to take appropriate treatment for his heart ailment.

4. The learned Counsel for the complainant has submitted that if the applicant is released on bail on medical ground, he may tamper with the evidence. He submitted that, in the past, the applicant had withdrawn various amounts by fabricating the cheques. He submits that, therefore, he has no objection if the applicant is allowed to stay in the private hospital. However, he strongly opposes the grant of bail for temporary period on medical ground. The learned APP appearing on behalf of the State also invited my attention to the detailed affidavit filed by the Investigating Officer.

5. I have perused the medical certificate which is

issued by Dr. Navin R. Davda, Dhanwantary Hospital and Intensive Cardiac Care Unit. From the medical paper, it does appear that the applicant needs further medical treatment. The applicant is 63 years of age and was in police custody for a period of eight months. It is no doubt true that the charges which are levelled against him are quite serious. However, the applicant is still entitled to get medical treatment from the private hospital. Since apprehension is expressed by the learned Counsel appearing on behalf of the Complainant and the learned APP for the State, this fear which is expressed can be taken care of by providing escort to the applicant during the period he is released on bail for temporary period so that they can keep watch on him.

6. In the result, the applicant is directed to be released on bail in the sum of Rs 25,000/- with one or two sureties in the like amount for a period of 8 weeks from today. The applicant may furnish cash surety initially in the said amount and furnish regular sureties within two weeks. The applicant, however, shall be given police escort in plain clothes at the cost of the applicant. After the period of 8 weeks, the applicant shall surrender.

7. Needless to state that the applicant is at liberty to apply for bail on merits after the period of 8 weeks is over.

8. Application is accordingly disposed of.

V.M. KANADE, J.